

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

* * * * *

United States of America,

vs.

AMENDED
ARRAIGNMENT ORDER

Terry Jon Martin,

Defendant.

Criminal No. 23-cr-193 (PJS/LIB)

* * * * *

On June 8, 2023, the Government filed a Motion to Modify Arraignment Order [Docket No. 13]. The Government requests an extension of time to provide discovery to the Defendant while the parties agree to terms of a Protective Order. The Defendant does not oppose the extension, and pursuant to email exchanges with the undersigned's chambers, the Defendant requests that the period of continuance be excluded from computation under the Speedy Trial Act. Based upon review of the files and for good cause shown, and **pursuant to Local Rule 12.1 (copy attached), IT IS HEREBY ORDERED that:**

1. The Government's Motion to Modify Arraignment Order [Docket No. 13] is **GRANTED.**
2. The Defendant shall file his Statement of Facts in Support of Speedy Trial Exclusion by no later than **June 16, 2023,**
3. The Court finds that such continuance best serves the ends of justice and that such ends outweigh the interests of the public and the defendant in a speedy trial in this matter under 18 U.S.C. 3161(7)(A). Having made these findings, the Court excludes the time June 8, 2023, to June 15, 2023, from speedy trial considerations in this matter.

1. The Government must make all disclosures required by Federal Rule of Criminal Procedure 16(a) by **June 15, 2023**. D. Minn. LR 12.1(a)(1). In order to avoid the need for a recess of the Motions Hearing, the Government is requested to make, **June 15, 2023**, all disclosures which will be required by Fed. R. Crim. P. 26.2 and 12(h).

2. Defendant must make all disclosures required by Federal Rule of Criminal Procedure 16(b) by **June 22, 2023**. D. Minn. LR 12.1(a)(2).

All Motions in the above-entitled case must be filed and served through CM/ECF consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **June 29, 2023**¹. D. Minn. LR 12.1(c). One courtesy copy of all motions and responses must be delivered directly to the chambers of Magistrate Judge Leo I. Brisbois.¹

5. **Counsel must electronically file a letter on or before June 29, 2023, if no Motions will be filed and there is no need for Hearing.**

6. All Responses to Motions must be filed by **July 13, 2023**. D. Minn. LR 12.1(c)(2).

7. Any Notice of Intent to call Witnesses² must be filed by **July 13, 2023**. D. Minn. LR. 12.1(c)(3)A).

¹“Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute.” D. Minn. LR 12.1(b).

¹ U.S. Mail or hand-deliver to Room 412, Gerald W. Heaney Federal Building and U.S. Courthouse, 515 W. First St., Duluth, Minnesota 55802.

² “When a party intends to call witnesses at a hearing on a motion under Fed. R. Crim. P. 12(b), the party must file a notice within 35 days after the arraignment. The notice must identify the number of witnesses whom the party intends to call, the motion or motions that each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(A).

8. Any Responsive Notice of Intent to Call Witnesses³ must be filed by **July 17, 2023**.

9. A Motions Hearing will be held pursuant to Federal Rules of Criminal Procedure

12(c) where:

- a. The Government makes timely disclosures and Defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its Motion, objection or response pleadings.

10. If required, the Motions Hearing will be conducted before United States Magistrate Judge Leo I. Brisbois on **July 28, 2023, at 1:30 p.m.**, in Courtroom No. 3, Gerald W. Heaney Federal Building and U.S. Courthouse and Customhouse, 515 West First St., Duluth, Minnesota. D. Minn. LR 12.1(d).

11. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT, the following Trial and Trial-related dates are:**

That all Trial Briefs, Voir Dire questions, proposed Jury Instructions, and Trial-related Motions (including Motions-in-Limine) shall be submitted to Chief Judge Patrick J. Schiltz's Chambers by **4:00 p.m., on July 26, 2023**. Counsel shall also email the proposed Jury Instructions to Chief Judge Patrick J. Schiltz at Schilz_chambers@mnd.uscourts.gov.

Responses to Trial-related Motions (including Motions-in-Limine) shall be submitted to Chief Judge Schiltz's Chambers by **4:00 p.m. on July 27, 2023**.

³ "If after reviewing a notice under LR 12(c)3), a party intends to call witnesses at the same hearing, that party must file a responsive notice within 38 days after the arraignment. The responsive party must identify the number of witnesses whom the party intends to call, the motion or motions each witness will be addressing, and the estimated duration of each witness's testimony." D. Minn. LR 12.1(c)(3)(B).

The parties must disclose the identity of any expert witness and make all required expert disclosures no later than **July 26, 2023**. The parties must disclose the identity of any expert who will testify in rebuttal of an expert witness and make all required disclosures as to such expert no later than **July 31, 2023**.

A Status Conference will be held with Chief Judge Patrick J. Schiltz at **9:00 a.m., on August 4, 2023**, in Courtroom 15, U.S. Courthouse, 300 South Fourth St., Minneapolis, Minnesota. The Government must submit its list of prospective witnesses and prospective exhibits at this Conference.

Trial will commence on **August 7, 2023, at 9:00 a.m., before Chief Judge Patrick J. Schiltz, in Courtroom 15, U.S. Courthouse, 300 South Fourth St., Minneapolis, Minnesota.**

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on Pretrial Motions. Counsel must contact the Courtroom Deputy for Chief Judge Patrick J. Schiltz to confirm the new trial date.**

BY THE COURT:

DATED: June 12, 2023

s/Leo I. Brisbois
Hon. Leo I. Brisbois
U.S. MAGISTRATE JUDGE